



ATTORNEYS AT LAW

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October 22, 2003

Via Facsimile and Regular Mail

Gene I. Mesh, Esq.
Michael G. Brautigam, Esq.
Gene Mesh & Associates
2605 Burnet Avenue
Cincinnati, Ohio 45219

Re: *Theimann v. OHSL Financial Corporation, et al.*

Dear Mr. Mesh and Mr. Brautigam:

I have reviewed the Order of the United States District Court from Judge Beckwith dated October 20, 2003. With respect to the above captioned matter, we note that on page 20 of the Order, Judge Beckwith in her Conclusion gives the Plaintiffs the right to file a Second Amended Complaint, which presumably consolidates within it the claims made previously in the case of *Meier v. OHSL Financial Corporation* and/or in the proposed Second Amended Complaint. In the *Meier* case, you have sued, on behalf of your clients, my partner, Mark A. Weiss, and the law firm of Keating, Muething & Klekamp, PLL.

My partner, Pat Fischer, and I ordinarily represent Keating, Muething & Klekamp, PLL and its lawyers in matters which pertain to attorney malpractice or other claims against the firm. Mr. Fischer and I recently sat through the depositions you took of the four lawyers from our office who had some involvement in the OHSL matter, namely, Keating, Muething & Klekamp, PLL associates Mark Reuter and John Winstead, and partners Tim Matthews and Mark Weiss. Those depositions, coupled with the other discovery in the *Theimann* case, make it very clear that you and your clients have no basis for making the claims against Keating, Muething & Klekamp, PLL and Mr. Weiss that you asserted in the *Meier* case and/or in the proposed Second Amended Complaint. Specifically, in violation of the Federal Rules of Civil Procedure, Rule 11(b), there is no evidentiary support for the allegations and factual contentions made in your *Meier* Complaint and/or in the proposed Second Amended Complaint. In the event you determine to place those claims in the Second Amended Complaint to be filed in the

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Theimann case, you are hereby placed on notice pursuant to Federal Rules of Civil Procedure, Rule 11, that if you violate the Rule by filing these claims against us, we will request the sanctions provided for in Rule 11 pursuant to the procedures stipulated therein.

Very truly yours,

KEATING, MUETHING & KLEKAMP, P.L.L.

By: 
Louis F. Gilligan

/mjd

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